

Notice of Allowability

Application No.

09/897,254

Examiner

Houshang Safaipoor

Applicant(s)

CLIFTON, LORI

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Amendment filed on 9/21/2006.
2. ☒ The allowed claim(s) is/are 1-5, 7, 9, 12, 16 and 17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of issue fee.

Authorization to amend claim 16 to read (A computer program product embodied in a computer readable medium) was given in telephone interview with Steven Ormiston (Reg. No. 35,974) on October 4, 2006.

2. Amendments to the Claims:

1. (Previously Presented) A device for determining the media type of source media, comprising:

a light source positioned to illuminate at least a portion of the source media;

a sensor positioned relative to said light source to view at least a portion of the source media illuminated by said light source, said light source media being interposed between said light source and said sensor;

a controller connected to said sensor; and

a scan module for scanning the source media, said scan module having scanning functionality discrete from said light source and said sensor and said scan module connected to said controller, wherein said controller is configured to determine the media type of the source media based on data received from said sensor sensing the illuminated source media, said data representing amount of light reflected from the source media or the translucency of the source

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media, the and said controller is further configured to interpret scan data received from said scan module based on said determination.

2. (Original) The device of claim 1, wherein said light source is a light emitting diode.

3. (Original) The device of claim 1, wherein said light source is incandescent.

4. (Original) The device of claim 1, wherein said sensor is a photoelectric cell.

5. (Original) The device of claim 1, wherein said sensor is a charge-coupled device.

6. (Canceled)

7. (Original) The device of claim 1, wherein the source media has a surface, and

wherein said light source and said sensor both face said surface.

8. (Canceled)

9. (Previously Presented) A method for adjusting the interpretation of scanned data based on the type of source media scanned, comprising:

illuminating at least a portion of the source media;

sensing at least part of the illuminated portion of the source media;

determining the media type of the source media based on data received from said sensing, said data representing the translucency of the source media;

scanning the source media;

generating data as a result of said scanning; and interpreting said data based on said determined media type.

10-11. (Canceled)

12. (Original) The method of claim 9, wherein said determining comprises selecting one of a plurality of preset media types based on said sensing.

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13-15. (Canceled)

16. (Currently Amended) A computer program product embodied in a computer readable medium for adjusting the interpretation of scanned data based on the type of source media scanned, comprising:

instructions for illuminating at least a portion of the source media;

instructions for receiving data produced by sensing at least part of the illuminated portion of the source media;

instructions for determining the media type of the source media based on said data produced by said sensing, said data representing the translucency of the source media;

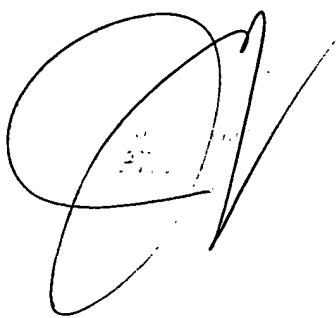
instructions for scanning the source media;

instructions for generating data as a result of said scanning; and

instructions for interpreting said data based on said determined media type.

17. (Original) The computer program product of claim 16, wherein said instructions for determining comprise instructions for selecting one of a plurality of preset media types based on said sensing.

18-26. (Canceled)



Reasons for Allowance

Claims 6, 8, 10, 11, 13-15 and 18-26 are cancelled.

Claims 1-5, 7, 9, 12, 16 and 17 are allowed.

This is examiner's statement of reasons for allowance.

Claims 1-5, 7, 9, 12, 16 and 17 are allowed for the reason that the prior art does not teach in claimed combination a device for determining the media type of source media, comprising:

a sensor positioned relative to the light source to view at least a portion of the source media illuminated by the light source, the source media being interposed between the light source and the sensor; a controller connected to said sensor; and

a scan module for scanning the source media, the scan module having scanning functionality discrete from the light source and the sensor and the scan module connected to the controller, wherein the controller is configured to determine the media type of the source media based on data received from the sensor sensing the illuminated source media, the data representing an amount of light reflected from the source media or the translucency of the source media, and the controller is further configured to interpret scan data received from the scan module based on the determination.

The features identified, in combination with other claim limitations, are neither suggested nor discussed by the prior art of record.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Fri. from 6:00am to 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Houshang Safaipoor
Patent Examiner
October 4, 2006

